

**DEPARTMENT OF LAW
INDIRA GANDHI UNIVERSITY, MEERPUR, REWARI**



SYLLABUS

FOR

LL.M. 2-Year Degree Course

Under

**Choice Based Credit System (CBCS)
(w.e.f. Academic Session 2016-17)**

LL.M 1st SEMESTER
SESSION 2016-17

Jurisprudence and Legal Theory
1221- Paper- I (Core Course):

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: For theory examination, the entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks. Every student will be declared successful if he/she obtaining 50% Marks/Credits.

Object: The object of this paper is to make the students aware about the legal and constitutional history of India.

Outcome: The students shall be well versed about the legal and constitutional development in India.

Unit-I

1. Nature, Value and Province of Jurisprudence
2. Positivism:
 - (a) Bentham and Positivism
 - (b) John Austin and Analytical Jurisprudence
3. Modern Positivism
 - (a) Kelsen's Pure Theory of Law
 - (b) Hart's Concept of Law
 - (c) Dworkin's Criticism of Positivism and his theory of Law

Unit-II

1. Historical Jurisprudence:
 - (a) Savigny and the Historical School
 - (b) Henry Maine and the Anthropological School

2. Natural Law
 - (a) Revival of Natural Law
 - (b) Lon L. Fuller- Morality of Law
 - (c) Stammler- 'Natural Law with a variable content'
3. The Theory of Precedent in India

Unit-III

1. Modern Realism.
2. Sociological Jurisprudence:
 - (a) Ihering, Ehrlich and Duguit
 - (b) Roscoe Pounds' Social Engineering
3. Theory of Social Justice:
 - (a) John Rawls
 - (b) Indian Approach to socio-economic justice

Unit-IV

Legal Concepts:

1. Legal Rights and Duties
2. Legal Personality
3. Possession and Ownership

Books Recommended:

Paton	: A Textbook of Jurisprudence
Dias	: Jurisprudence
Friedmann	: Legal Theory
Hart	: Concept of Law
Llloyd	: Introduction to Jurisprudence
Fuller	: The Morality of Law
Basu	: Modern Theories of Law (TLL)
Austin	: The Province of Jurisprudence Determined
Bodenheimer	: Jurisprudence
Stone	: Social Dimensions of Law and Justice
Jennings	: Modern Theories of Law
Allen	: Law in the Making
Pound	: Jurisprudence Vol. I-IV
Weeramanrury	: Equality and Freedom: Some Third world Prospective
Hilaire Mc Coubery & Nigel D. White	: Text Book of Jurisprudence
Dworkin	: Taking Rights Seriously (1972), Law's Empire (1986)
Bentham	: Limits of Jurisprudence Defined (Ed. By Evertt) 1945.
Savigny	: Law of Possession
Stone, Julius	: The Province & Function of Law
Sir Henry Maine	: Ancient Law
Rawls, John	: Theory of Justice
Cardoza	: Nature of Judicial Process

**1222- Paper- II (Core Course):
Legal and Constitutional History of India**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: For theory papers, the Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I to IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks. Every student will be declared successful if he/she obtaining 50% Marks/Credits.

Unit-I

1. Establishment of East India Company – Administration of Justice in Presidency Towns (1600-1726) and the development of Courts and Judicial Institutions under the East India Company.
2. Establishment of Mayor's Courts under the Charter of 1726 and Changes Introduced by Charter of 1753
3. Regulating Act of 1773 and Establishment of Supreme Court at Calcutta. Act of Settlement 1781; Charter Act, 1883 and Codification.

Unit-II

1. Adalat System, Role of Warren Hastings, Cornwallis and William Bantinck in Law Reforms
2. History of Privy Council; Federal Court of India; Evolution of High Courts.
3. History of Law Reporting in India
4. Legal Education in India: History and Development
5. Law Commissions in India

Unit-III

1. Government of India Act, 1935: Introductory; The Federation of India: Establishment of Federation and Accession of Indian States, The Federal executive, The Federal Legislature,

Legislative Powers of Governor-General, Provisions in Case of Failure of Constitutional Machinery;

2. The Governor's Provinces: The Provincial Executive, the Provincial Legislature, Legislative Powers of Governor;

3. Legislative Powers: Distributions of Powers, Restrictions on Legislative Powers, Provisions with respect to discrimination; Administrative Relations between Federations,

4. Provinces and States: General, Broadcasting, Inter-Provincial Co-operation; The Judicature: The Federal Court and The High Courts in British India.

Unit-IV

1. Constitutional Development, 1935 to 1947

2. Transfer of Power and Indian Independence Act, 1947

3. Prerogative Writ System in India,

4. Development of Criminal Law: Ancient Hindu and Muslim Criminal Law

5. The Integration of States and Making of the Constitution of India.

Books Recommended:

1. Jain, M.P. : Outline of Indian Legal History

2. Mittal, J.K. : India Legal History

3. Kulsherehtha, V.D.: Land marks in Indian Legal and Constitutional History.

4. Kailash Rai : History of Courts Legislature & Legal Profession in India

5. S.K. Puri, Indian Legal and Constitutional History

6. Alexandrowicz, Charles H : Constitutional Development in India

7. Banerjee, A.C., The Making of the Indian Constitution, 1939-47

8. Banerjee, T.K. : Background of Indian Criminal Law

9. Bar Association of India, Challenges to the Legal Profession, Law and Investment in Developing Countries (Eastern Book Company, Lucknow),

10. Luthora, V.P. : The Transfer of Power in India, 1945-47

**1223- Paper- III (Core Course):
Indian Constitutional Law and New Challenges**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: The object of this paper is to make the students aware about each and every aspect of the Constitution of India particularly in the context of its federal structure, legislature, executive and the judiciary.

Outcome: The students shall be well versed about each and every aspect of the Constitution of India.

Unit-I

1. The Executive- Union & States Parliamentary/Presidential form of Governments- Suitability. President/Governor & Council of Ministers-Relationship. Coalition government, Power Politics.
2. Parliament & State Legislatures Composition of Legislature, Elections, Corrupt Practices. Role of the Legislature, Elections, Corrupt Practices
3. Judiciary in India, Independence of Judiciary, Appointment, Removal of the Judges, Code of Conduct for Judges. Power of Judicial Review, Writ Jurisdiction & other powers of the court, Judicial Activism. Separation of Powers, Relationship of Executive, Legislature & Courts.

Unit-II

1. Fundamental Rights, Definitions of State and Law.
2. Right to Equality, Reverse discrimination.
3. Political Freedoms of the citizen reasonableness of restrictions.
4. Right to life & personal liberty, various dimensions of the right to life and personal liberty.

Unit-III

1. Secularism, right of the minorities.
2. Socio-economic rights, Directive principles of state policy-enforcement by the state relationship between directive principles & fundamental rights.
3. Doctrine of eminent domain, right to property
4. Parliamentary Privileges & Fundamental Rights.
5. Fundamental duties of the citizen.

Unit-IV

1. Federalism, Co-operative federalism.
2. Legislative and Administrative relations.
3. Distribution of financial resources, Inter-State trade and commerce.
4. Amendment of the Constitution, Basic structure theory.

Books Recommended:

- Seervai, H.M. : Constitutional Law of India (3 Volumes).
Jain, M.P. : Indian Constitutional Law
Shukla, V.N. : Constitution of India
Basu, D.D. : Constitution of India
Bar Council of India : Constitution of India
(Edited by Hidayatulla)
Ex. C.J. of India
Dr. Pal, Chander : Centre-State Relation and Co-operative Federalism.
Wheare, K.C. : Federal Government (1963)

**1224- Paper- IV (Core Course):
Principles and Methods of Legislation and Interpretation of Statutes**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I to IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: This paper aims to discuss various principles of statutory interpretation with the help of case law.

Outcome: The students shall be well versed about various principles which are of utmost concern for the courts for the purpose of interpretation of statutes.

Unit-I

1. Basic Principles of Interpretation:
Meaning of Interpretation, Interpretation and Construction, Intention of Legislature, Statute must be read as a whole in its context, Presumption in favour of constitutionality of a statute. If meaning plain, effect must be given to it irrespective of consequences.
2. Rule of Literal Construction.
3. Golden Rule of Construction.
4. Mischief Rule of Construction.

Unit-II

1. Internal Aids to Construction:
Short Title, long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretations Clause, Proviso, Explanation, Schedules.
2. Maxims
(i) Ejusdem Generis (ii) Expressio Unius Est Exclusio Alterius
(iii) Noscitur A Sociis
3. Interpretation of Constitution.

Unit-III

1. External Aids to Construction; Parliamentary History, Historical Facts and Surrounding Circumstances, Dictionaries, Text-books, Use of Foreign Decisions, Statutes in Pari-materia.
2. Codifying and Consolidation Statutes.
3. Mandatory and Directory Provisions.
4. Commencement and Repeal of Statutes.

Unit-IV

1. Beneficial and Liberal Construction.
2. Construction of Remedial and Penal Statutes.
3. Construction of Taxing Statutes.
4. Presumption as to Jurisdiction of the Courts.
5. Construction to Prevent, Evasion and Abuse.

Books Recommended:

Maxwell	: Interpretation of Statutes.
Craies	: Statute Law.
Sutherland	: Statutory Construction.
Singh, G.P.	: Principles of Statutory Interpretation.
Swarup, Jagdish	: Legislation and Interpretation.
Sarathi, V.P.	: Interpretation of Statutes.
Bindra	: Interpretation of Statutes.

LL.M.-2nd Semester

2221- Paper- I (Core Course): Law, Social Transformation and Judicial Process in India

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: The object of this paper is to make the students aware about principles of legislation, legislative and judicial process in India.

Outcome: The students shall be well versed about the impact of law on society in addition to judicial process in India.

Unit-I

Principle of Legislation

1. Principles of Utility
2. Principles of Civil Code
3. Principles of Penal Code
4. Constitutional Utilitarianism, Modern Trends

Unit-II

Legislative Process in India

1. Legislative Procedure, ordinary and money Bills joint session, Assent to Bills.
2. Procedure in the House, Committees of the House, need for reforms.
3. Delegated Legislation- Need for delegated legislation, classification of delegated legislation. Constitutionality of delegated legislation and control mechanism of administrative rule making in India
4. Failure of the executive/Administration to enforce the law, civil disobedience of law.

Unit-III

1. Law and Social Transformation- Law as an instrument of social change- Law as the product of tradition and culture.
2. Responses of law to social institutions
 - (a) Religion and Law
 - (b) Language and Law
 - (c) Community and Law
3. Women and Law
4. Children and Law
5. Modernization trends in different areas
 - (a) Family Law
 - (b) Local Self Government
 - (c) Court Processes- Civil Law and Criminal Law

Unit-IV

Judicial Process

1. Judicial Legislation as an instrument of social ordering.
2. Power of Judicial Review under the Constitution of India, Judicial activism, Dworkin's Theory of Adjudication.
3. Concept of Justice, Relation between law and justice, Equivalence theories, Dependence theories, Independence of Justice theories.

Books Recommended:

- Galanter, March (Ed.) : Law and Society in Modern India (1997), Oxford.
- Lingat, Robert : The Classical Law of India (1998).
- Baxi, U. : The Crisis of the Indian Legal System (1998), Vikas, New Delhi.
- Baxi, U. (Ed.) : Law and Poverty Critical Essay (1988), Tripathi, Bombay.
- Derret, Duncan : The State, Religion and Law in India (1999), Oxford University Press, New Delhi.
- Seervai, H.M. : Constitutional Law of India (1996), Tripathi.
- Basu, D.D. : Shorter Constitution of India (1996) Prentice-Hall of India (P.)Ltd. New Delhi.
- Destha, Sunil and : Law and Menace of Child Labour (2000).
- Destha, Kiran : Anmol Publications, Delhi
- Gunasekhere, Savitri : Children, Law and Justice (1997), Sage.
- Indian Law Institute : Law and Social Change: Indo-American Reflections, Tripathi (1988)
- Kripalani, J.B. : Gandhi: His Life and Thought (1970), Ministry of Information and Broadcasting, Government of India.
- Jain, M.P. : Outlines of Indian Legal History (1993)
- Flavia, Agnes : Law and Gender Inequality: The Politics of women's right in India (1999), Oxford.

**2222- Paper-II (Core Paper):
Law of Equity and Trusts**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: The object of this paper is to discuss certain legal maxims evolved and applied by common law courts and other courts across the world. It also aims at discussing each and every aspect of Indian Trusts Act.

Outcome: The student shall be having the complete knowledge regarding the equitable principles, legal maxims initially applied by the equity courts and the provisions of Indian Trusts Act.

Unit-I

1. Equity: Definition, nature and origin of equity; Equity as a Court of conscience,
2. Transformation of Equity; the relation between law and equity; Judicature Acts, 1873 and 1875;
3. The nature of equitable rights.
4. The Equitable Doctrines; Conversion and Reconversion; Election; Performance and Satisfaction.

Unit-II

The Maxims of Equity:

1. Equity will not suffer a wrong to be without a remedy; Equity follows the law; Where equities are equal, the law shall prevail; Where equities are equal, the first in time shall prevail; He who seeks equity must do equity; He who comes to equity, must come with clean hands;
2. Delay defeats equity; Equality is equity; Equity looks to the intent rather than to the form; Equity looks on that as done which ought to have been done; Equity imputes an intention to fulfill an obligation; Equity acts in personam.

Unit-III

The Indian Trusts Act, 1982:

1. Definition (Sec. 3);
2. Creation of Trusts (Sec. 4 to 10);
3. Duties and Liabilities of Trustees (Sec. 11 to 30);
4. Public and Private Trust and Doctrine of Cypress.

Unit-IV

1. Rights and Powers of Trustees (Sec. 31 to 45);
2. Disabilities of Trustees (Sec. 46 to 54);
3. Rights and Liabilities of Beneficiary (Sec. 55 to 69);
4. Extinction of Trusts (Sec. 77 to 79).

Books Recommended:

- Aggarwal, D.P. : Indian Trust Act, 1882.
Hanbury's : Modern Equity.
Ketton : Equity
Singh, G.P. : Principles of Equity (with special reference to Trust and Specific Relief)
Snells : Principles of Equity.
Subbarao, G.C.V. : Equity, Trust, Fiduciary Relations, Law of Mortgages and Specific Relief.

**2223- Paper-III (Core Course):
International Law and Human Rights**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from each **unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: The object of this paper is to discuss certain legal maxims evolved and applied by common law courts and other courts across the world. It also aims at discussing each and every aspect of Indian Trusts Act.

Outcome: The student shall be having the complete knowledge regarding the equitable principles, legal maxims initially applied by the equity courts and the provisions of Indian Trusts Act.

Unit-I

1. Definition, Nature and Basis of International Law.
2. Sources of International Law.
3. Relationship between International Law and Municipal Law.
4. Subjects of International Law and Position of Individual in International Law.
5. Recognition of State and Governments.
6. Concept of Sovereignty and its Relevance in Modern Age.

Unit-II

1. Extradition, Asylum, Nationality and Status of Refugees.
2. Settlement of International Disputes.
3. International Court of Justice.
4. UNO and its Organs.
5. Global Trade Regime and International Law.

Unit-III

1. Concept and Development of Human Rights-International and National Aspects.
2. Universal Declaration of Human Rights, 1948 and its Legal Significance.
3. Covenant on Civil and Political Rights, 1966 and Covenant on Economic, Social and Cultural Rights.
4. Provisions of U.N. Charter relating to Human Rights.
5. Role of UNO in Development and Implementation of Human Rights.
6. Protection of Marginalized Groups; Women, Children, Minorities and Refugees.

Unit-IV

1. Implementation of Human Rights in India.
2. Human Rights and Indian Constitution.
3. Protections of Human Rights under the Protection of Human Rights Act, 1993.
4. National Human Rights Commission; Constitution, Appointments, Powers and Functions.
5. State Human Rights Commissions; Constitution, Appointments, Powers and Functions.
6. Human Rights Courts in India.

Books Recommended:

1. Kapoor, S.K. : International Law and Human Rights.
2. Aggarwal, H.O. : International Law and Human Rights.
3. Karandikar, S.A & Yende, A. : Human Rights Law.
4. Starke, J.G. : An Introduction to International Law.
5. Tandon, M.P. : Public International Law.

**2224- Paper-IV (Core Course):
Environmental Law and Judicial Activism**

Max. Marks: 80

Credits: 5

Time: 3 Hours

Note: The Entire Syllabus of the theory examination has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from **each unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Object: The object of this paper is to discuss certain legal maxims evolved and applied by common law courts and other courts across the world. It also aims at discussing each and every aspect of Indian Trusts Act.

Outcome: The student shall be having the complete knowledge regarding the equitable principles, legal maxims initially applied by the equity courts and the provisions of Indian Trusts Act.

Unit-I

1. Environmental Protection and its importance.
2. Constitutional Provisions and Environment Protection in India.
3. Sustainable Development and the role of Indian Judiciary in promoting it with special reference to “Precautionary Principle” and “Polluter Pays Principle”
4. The National Green Tribunal Act, 2010: Object and Purpose of the Act; Preliminary (Section 1-2), Establishment of the Tribunal (Section 3-13); Powers and Proceedings of the Tribunal (Section 14-25, Penalty (Section 26-28)

Unit-II

1. Environment Pollution; Meaning of Environment and Environment Pollution
2. Different Kinds of Environment Pollution.
3. Legislative Measures for Prevention and Control of Environment Pollution in India,
4. The Environment Protection Act, 1986; Definitions (Section 2), General Powers of Central Govt. (Sections 3-6), Prevention, Control and Abatement of Environment Pollution (Section 7-17), Miscellaneous (Section 18-26)

Unit-III

1. Remedies for Environment Protection; Civil, Criminal and Constitutional.
2. Importance of Forest and Wildlife in Protecting Environment.
3. The Wild Life (Protection) Act, 1972; Definitions (Section 2), Authorities under the Act (Section 3-8), Hunting of wild Animals (Section 9-12), Sanctuaries, National Parks and Closed Areas (Section 18-38), Central Zoo Authority and Recognition of Zoos (Sections 38A-38J), Constitution of National Tiger Conservation Authority and its powers and functions (Sections 38-L and 38-O), Tiger and other Endangered Species Crime Control Bureau (Section 38y and 38z), Trade or Commerce in Wild Animals, Animals Articles and Trophies (Section 39-49). Prohibition of Trade or Commerce in Trophies etc. (Sections 49A-49C), Prevention and Detection of Offences (Section 50-58).
4. The Schedules Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; Preliminary (Section 1-2), Forest Rights (Section 3); Recognition (Section 4-5); Restoration and Vesting of Forest Rights and related matters; Authorities and Procedure for vesting of Forest Rights (Section 6); Offences & Penalties (Section 7-8), Miscellaneous (Section 14).

Unit-IV

1. Environmental Impact Assessment and Control of Hazardous Wastes.
2. Environment Protection and Law of Tort; Role of Urban Local Bodies in Controlling Pollution; Criminal Law and Environment Protection; Constitutional provisions and Noise Pollution Control.
3. The Water (Prevention and Control of Pollution) Act, 1974; Definitions (Section 2), the Central and State Boards for Prevention and Control of Water Pollution (Section 3-12), Joint Boards (Sections 13-15), Powers and Functions of Boards (Section 16-18), Prevention and Control of Water Pollution (Section 19-33A), Penalties and Procedure (Section 41-50).
4. The Air (Protection and Control of Pollution) Act, 1981; Definitions (Section 2), Central and State Boards for Prevention and Control of Air pollution (Section 3-15), Powers and Functions of Boards (Section 16-18), Prevention and Control of Air pollution (Section 9-31A), Penalties and Procedure (Section 37-46).

Books Recommended:

1. Agarwal, S. : Legal Control of Environmental Pollution.
2. Armin Rosencrauz : Environmental Law and Policy in India-Cases; Material and
Syam Divan Statements
Marthal, L. Noble
3. Chaturvedi, R.G. : Law on Protection of Environment
Chaturvedi M.M. and Prevention of Pollution
4. Krishna Iyer, V.R. : Environmental Pollution and the Law, 1984
5. Paras Diwan : Environmental Administration- Law and Judicial attitude, Vols. I
& II, 1992
6. Srivastava, A.B. : Protect Global Environment, 1994
7. Jaswal, P.S. : Environmental Law
& Nistha
8. Shanthakumar, S. : Introduction to Environment Law.

**2225- Paper-V (Foundation Course):
Value Education**

Max. Marks: 40

Credit: 2

Time: 1.5 Hours

SYLLABUS
LL.M. 3RD SEMESTER
SESSION 2016-17

{Group -A -Constitutional Law}
CODE-3221- (A): PAPER-I
Human Rights and Constitution of India

Max. Marks: 80
Time: 3 Hours

Note: The purpose of these papers is to check analytical aptitude of LL.M. students. For theory examination, the whole syllabus has been divided into **four units**. But the question paper shall have **five units**. Unit **I** to **IV** of the question paper will have two questions from each **unit** of the syllabus. The student will be required to attempt one question from each **unit**. Every question shall be of 16 Marks.

Unit V of the question paper shall have one compulsory question (will be numbered as 9) divided into **eight parts**, which will cover **two parts** from **each unit** of the syllabus. The student will be required to attempt **any four parts from this unit**. Every part of this unit shall be of 4 Marks and this unit shall be of 16 Marks.

Every student will be declared successful if he/she obtains a minimum **50% Marks** in each paper.

Unit-I

Human Rights

- Freedom Movement and Human Rights
- Universal Declaration of Human Rights
- Framing of the Fundamental Rights in the Constituent Assembly.

Fundamental Rights under the Constitution

- General
- Enforcement of the Fundamental Rights

Unit-II

Right to Equality

- Formal Equality
- Material Equality
- Reservation and Equality- Socio-Economic Equality

Citizenship and Political Freedoms

- Citizenship
- Political Freedoms under Article 19
- Restrictions on Freedom

Unit-III

Right to Life and Personal Liberty

- Right to life-Meaning
- Human Dignity- Right not be subjected to torture, inhuman and cruel treatment.
- Personal Liberty- meaning and scope

Due Process

- Procedural due process
- Substantive due process

Unit-IV

International Perspectives

- UN Conventions
- Impact of International Law
- European Convention
- Amnesty International

Human Rights Commission

- International Human Rights Commission
- Human Rights Commission in India

Books Recommended:

- Akbar, M.J. : Riots after Riots (1988)
- Baxi, U. (ed.) : The Right to be Human (1986)
- Baxi, U. : The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi
- Kazmi, F. : Human Rights (1987)
- Levin, L. : Human Rights (1982)
- Madhavtirtha : Human Rights (1953)
- Gromley, W.P. : Human Rights and Environment (1976)
- Beddard, H. : Human Rights and Europe (1980)
- Singh, Nagendra : Human Rights and International Co-operation (1969)
- Kashyap, S.C. : Human Rights and Parliament (1978)
- Khare, S.C. : Human Rights and United Nations (1977).
- Moskowitz : Human Rights and World Order (1958)
- Andrews, J.A. : Human Rights in International Law (1986)
- Menon, I. (ed.) : Human Rights in International Law (1985)
- Roberston, A.B. (ed.) : Human Rights in National and International Law (1970)
- Baxi, U. : "Human Rights, Accountability and Development" Indian Journal International Law 279 (1978)
- Baxi, Upendra : "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987).
- Dhavan, Rajeev : "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299, (1986)
- Fazal, M.A. : "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- Sathe, S.P. : Fundamental Rights and Amendment of the Indian Constitution (1968)

CODE-3222- (A): PAPER-II
Federalism: Union-State Relations

Max. Marks: 80
Time: 3 Hours

Unit-I

Federalism

- Classical Federalism- USA, Australia, Canada
- Co-operative Federalism
- Essential Conditions of Federalism

States of the Union

- Creation New States
- No guarantee of territorial integrity
- State Autonomy

Unit-II

Legislative and Administrative Relations

- Distribution of Legislative Powers
- Principles of Interpretation,
- Residuary power,
- Dominance of the Union Power

Unit-III

Financial Relations

- Distribution of Taxes.
- Tax sharing under the Constitution
- Finance Commission
- Doctrine of Immunity of Instrumentalities

Inter-State Trade and Commerce

- Freedom of Trade and Commerce
- Restriction on the Freedom
- Authority to regulate Trade and Commerce

Unit-IV

National Economy

- Need for Regulation and Development of National Economy
- Planning Commission

Review of Union-State Relations

- Need for Review
- Recommendation of Sarkaria Commission

Special Status of some States

- State of J&K (Article 370)
- Other States

Books Recommended:

Dandekar, V.M. :“Unitary Elements in a Federal Constitution” 22 E.P.W.
1865(1988)

- Bhatnagar, Sudha : Union- State Financial Relations and Finance Commissions (1979)
- Chandra, Ashok : Federalism in India (1965)
- Sebastian, V.D. : Indian Federalism: The Legislative Conflicts, Chs. 6-7 and 8 (1980)
- Chandrapal : Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
- Subba, Rao G.C.V. : Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39(1982)
- Richard M. Pious : The American Presidency, 293-331, Ch. 9 (1979)
- Deniel J. Elazar : American Federalism, Chs. 3 and 4 (1984)
- Krishna Shetty, K.P. : The Law of Union- State Relations and the Indian Federalism Ch. 9(1981)
- Report of the Eighth Finance Commission.
- Administrative Reforms Commission on Centre-State Relationship, Ch. 3 (1969)
- Constituent Assembly Debates Vol. 9, 203, 204 and 302-349, Vol. 10, 325-342.
- Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. I, Sections I and II, pp IS-168
- Singhvi, L.M. (ed) : Union-State Relations in India 124-154 (1969)
- Government of Tamilnadu : Report of the Centre-State Relations Inquiry Committee Ch. 5 (1971)
- Subba Rao, K. : The Indian Federation (1969)
- Wheare, K.C. : Federal Government (1963)
- Gupta, R.K. : Fiscal Relations between the Centre and the States under the Indian Constitution.
- Lakadwala, D.T. : Union-State Financial Relations (1967)
- Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

CODE-3223- (A): PAPER-III
Constitutionalism and Power of Judicial Review

Max. Marks: 80
Time: 3 Hours

Unit-I

Concept of Constitutionalism

- Common Law
- Indian Concept: Before Independence
- Present Constitutionalism

Independence of Judiciary

- Doctrine of Separation of Powers
- Rule of Law
- Independence of Judiciary in India

Judiciary in India

- Appointment of Judges
- Jurisdiction and Powers of the Supreme Court and the High Court

Unit-II

Power of Judicial Review

- Supremacy of the Constitution
- Doctrine of Ultra Vires
- Judicial Review of Constitutional Amendments, Legislations & Administrative Actions

Writ Jurisdiction

- Articles 32 and 226
- General Conditions
- Particular Writs

Unit-III

Expanding Dimensions of Fundamental Rights

- Public Interest Litigation
- Definition of State Action
- Judicial Review of Discretion
- Judicial Activism

Unit-IV

Exclusion of judicial Review

- Political Questions
- Express exclusion by the Constitution
- Judicial Self-restrain

Courts and Tribunals

- Subordinate Judiciary
- Tribunals

Books Recommended:

- | | |
|---------------|---|
| Seervai, H.M. | : Constitutional Law of India (1991), Tripathi, Bombay. |
| Jain, M.P. | : Indian Constitutional Law (1994), Wadhwa |
| Baxi, U. | : The Crisis of the Indian Legal System (1982) Vikas
Publishing House, New Delhi |

Jain, M.P. : Indian Constitutional Law (1994) Wadhwa
Narain, Jagat : “Judicial Law Making and the Place of the Directive Principles in the Indian Constitution.” J.I.L.I. 198(1985)
Ludwikowski, Rhett : “Judicial Review in the Socialist Legal Systems: Current Development” 37 I.C.L.D. 89-108 (1988)
Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.
Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

{Group -B - Business Law}
CODE-3221- (B): PAPER-I
Law of Contracts

Max. Marks: 80
Time: 3 Hours

Unit-I

- Genesis and Philosophy of Contracts and its importance in a commercial developing society.
- Freedom of Contract; Nature and basis of contractual obligation.
- Formation of Contract- Agreement and Contract, Intention to create legal obligation; Requirements of valid contract.
- Proposal and Acceptance- Essential elements, communication and revocation, proposal and invitation for proposal standing order, Tenders and Auction sale.
- Standard Forms of Contract- Exclusion clauses and their effects.
- Unilateral and bilateral contracts.
- Capacity to Contract- Meaning and Scope, Contractual Capacity of a Minor, Corporation, Government, Consequences of Minor's Agreement and Stopple, Ratification.
- Contract by a person of unsound mind- Legal effects.
- Other Legal disabilities.
- Free consent- Meaning and Scope: Vitiating elements- Coercion, Fraud, Misrepresentation, Undue influence and Mistake, Distinction between Fraud and innocent misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies available when agreement is vitiated by mistake.

Unit-II

- Consideration- *Nudum pactum*- Its need, meaning and essential; Adequacy of consideration, privity of contract and consideration- its exceptions; past; executed and executory consideration, Doctrine of Consideration and Promissory Estoppels; Essentiality of consideration with exceptions.
- Legality of objects and consideration- Unlawful consideration and objects; void, voidable and unlawful agreements and their effects. Concept of immoral and public policy, Heads against public policy.
- Void Agreements, Agreement in restraint of Marriage, Agreement in restraint of Trade Agreement in restraint of legal proceedings, Uncertain Agreement and Wagering Agreement.
- Contingent Contract- Meaning and scope, Reciprocal Promises.
- Discharge of Contract- Meaning and modes of discharge; performance and Tender- place and time of performance, time as essence of contract performance of joint promises.
- Discharge by Agreement- Novation Remission of performance, Accord and Satisfaction.
- Discharge by Impossibility of performance and Frustration- Nature and scope of the doctrine of Frustration, Specific ground of frustration.

Unit-III

- Restitution;
- Quasi-Contracts or certain relation resembling those created by contract.
- Breach of contract and remedies, Meaning of breach and Anticipatory breach; Damages- Meaning and Nature, Kinds, Rule in Hadly v. Baxendale- Remotences of Damage.
- Contract of Indemnity- Definition and Nature, distinction between Indemnity and Guarantee, Rights of the Indemnity Holder.
- Contract of Guarantee- Definition and scope, Specific and Continuing Guarantee; Creditors Right against Principal Debtor and Surety, Discharge of Surety; Surety's Rights against the principal debtor and Co-surety, Principal of Contribution by co-surety.

Unit-IV

- Bailment- Definition and Essential Features, Bailment for Reward and gratuitous Bailment, Right and duties of Bailor and bailee.
- Finder of lost goods- Rights and Duties of finder; Rights and Liabilities of owner.
- Pledge- Definition, Nature and Scope; who can pledge, Rights and duties of pawnor and pawnee.
- Kinds of Agents- Factory, Brokers, Auctioneers, Del-Cordere agents, etc.
- Agency- Nature, Distinction from other transactions; Contractual basis of Agency.
- Modes of Creation of Agency- Express, implied, ratifications by operation of law.
- Scope of Agent's Authority; Rights and Liabilities of the Agent as against principal and third party; Rights and Liabilities of Principal and third party as against each other and as against agent.
- Delegation by Agent- Sub-agent and substituted Agent- Distinction and Legal Effects.
- Termination of Agency, modes of termination, Agency couple with interest.

Books Recommended:

Chaturvedi, A.N.	: Lectures on Indian Contract Act.
Cheshire and Fifoot	: The Law of Contract.
Anson	: Principles of the English Law of Contract
Chitty	: On Contracts (General Principles).
Pollock and Mulla	: Indian Contract and Specific Relief Act.

CODE-3222- (B): PAPER-II
Law of Partnership, Sales of Goods and Negotiable Instruments

Max. Marks: 80

Time: 3 Hours

Unit-I

The Indian Partnership Act, 1932;

- Nature of Partnership; Essentials of Partnership (Sections 4-8),
- Partnership compared with Co-ownership; Company, joint Hindu Family Business; Relations of Partner to one another (Sections 9-17).
- Relations of Partners to third parties including the Principle of “Holding Out”, minor admitted to the Benefits of Partnership (Sections 18-30).
- Incoming and outgoing Partners (Sections 31-38).
- Dissolution of Firms- (Sections 39-55).
- Registration of Firm and Effects of Non-Registration (Sections 56-71)

Unit-II

The Sale of Goods Act, 1930;

- Sale and Agreement to Sell, Concept of Goods etc. (Sections 2-10).
- Conditions and Warranties, Implied condition of warranty, when conditions are treated as warranty, Caveat emptor and caveat venditor (Sections 11-17).
- Ascertainment of goods-unascertained goods. Risk attached to property and Nemo dat quad non habet (Sections 18-26).
- Sale by person not the owner, Duties of Seller and Buyer (Sections 27-44).
- Definition of unpaid seller and his rights, Lien, Stoppages in transit and Resale. (Sections 45-64).

Unit-III

The Negotiable Instruments Act;

- Purpose and object, Historical development of law relating to Negotiable Instruments.
- Definition, kinds of negotiable instruments, promissory note, kinds of crossing and their effect, holder and holder in due course; payment in due course; inland and foreign instruments; Ambiguous instruments, Inland and Foreign instruments, Parties to Negotiable Instrument, Capacity to make; Maker, drawer and acceptor principal; Negotiable Instrument without consideration; position of Minor, agency and Legal representative.

Unit-IV

- Negotiation and Liability, Negotiation and assignment; Negotiation by delivery and by Indorsement; Kinds of Indorsement- Indorsement in blank and Indorsement in full, restrictive Indorsement, Indorsement sans recourse, conditional Indorsement, Partial Indorsement, Liability of Parties- Liability of acceptor, maker, drawer, Drawee, Discharge from liability by cancellation, delay in presenting material alteration,

- negotiation back, allowing more than 48 hours to accept; Presentation for acceptance and payment, presentment to agent etc, Time and place of presentment, when presentment unnecessary, Dishonour and notice of dishonour, noting and protests, Acceptance and payment for honour and reference in case of need.
- Special rules of evidence- Presumptions and estoppel, penalties for dishonour of certain cheques for insufficiency of funds in account.

Books Recommended:

- Anson's : Law of Contract.
- Chaturvedi A.N. : Lectures on Indian Contract Act.
- Desai S.T. : Indian Contract Act.
- Pollock & Mulla : Indian Contract.
- Avtar Singh : Law of Contract.
- Bangia, R.K. : Law of Contract-II.
- Bhashyam & Adiga : The Negotiable Instrument Act
- Parthsarthy : Cheques in Law and Practice.
- Aggarwal, C.L. : Law of Hundi and Negotiable Instruments.
- Canygton : Business Law
- Smith and Keenan : Essential of Mercantile Law.
- Tannan's : Banking Law and Practice in India
- Sethi : Commentary on Banking Regulation Act, 1949.

CODE-3223- (B): PAPER-III
Law of Corporate and Labour Management

Max. Marks: 80

Time: 3 Hours

Unit-I

- History of jurisprudential aspects of company Legislation in India.
- Concept of corporate personality and limited liability advantages of Incorporation; Doctrine of Piercing the Corporate Veil, Kinds of companies and other Forms of Business Organization.
- Registration and in-corporation, Memorandum of Association, Doctrine of Ultra Vires, Articles of Association, doctrine of constructive notice and indoor management .
- Promoters.
- National Company Law Tribunal.
- Prospectus,
- Shares & Debentures, Charges, Dividend
- Securities and Exchange Board of India Act,1992
- Charitable and political contributions by companies.

Unit-II

- Meetings-Statutory & non-statutory.
- Directors.
- Managing Director.
- Investigation and inspection-powers of Central Government and National Company Law Tribunal.
- Majority powers and Minority rights, oppression and mismanagement.
- Winding up and distribution of assets:
- Liquidator and official liquidator- position, power and duties.

Unit –III

- Regulations Relating to Industrial and Individual Dispute: Definitions of Industry, Workmen and Employer; Authorities for the Settlement of Disputes, Works Committee, Conciliation, Court of Inquiry and Arbitration; Workers’ participation in the Management. Govt. Power of Reference: Statutory Definition of Strike and Lockout: Restrictions on the Right to Strike and Lockout: Illegal Strike and Lockout; Meaning and Concept of Layoff and Retrenchment, with or without the permission of Government, procedure of retrenchment, compensation, Quantum of compensation, Retrenchment compensation on transfer or closure of undertaking; Prohibition against change of service conditions pending proceeding, Recovery of money due to a workman from employer.
- Collective Bargaining – Nature, scope, definition, concept , Methodological aspects, advantages, disadvantages; Types of bargaining , Plant level; Industry Level and national level ; Conditions form successful functioning of collective bargaining : Major issues in bargaining : Wage policy and work discipline Voluntary Settlement and Collective bargaining : Impact of Law on Collective Bargaining and grievance procedure.

Unit –IV

-Role of Trade Unions and Unfair Labour Practices , Judicial and statutory definition of trade union : Registration , Recognition , dissolution of Trade Union , Rights and Liabilities of Registered Trade Unions , Office bearers and outsiders, Funds, Immunities – Criminal and Civil Unfair Labour Practice and Victimization.

-Standing orders: Nature and scope of Standing Orders; Procedure for certification of standing orders ,and operation thereof Duration and modification of Certified standing orders; Temporary application of model standing orders, Interpretation and enforcement of Standing orders and , penalties , Definition of Apprentice, Appointment of apprentices and their training , Standard of Physical fitness for training , authorities and constitution of councils: Payment of stipend and grant of leave to apprentices, submission of record and returns.

Books Recommended:

Thomson, J.M.	: Palmer’s Company Law.
Gower, L.C.B.	: Principles of Modern Company Law.
Ramiya	: Guide to the Companies Act.
Devedasan, B.D. & Devedasan, T.S.V.	: Company Meetings and Resolution
Indian Law Institute	: Current Problems of Corporate Law
Shah, S.M.	: Lectures on Company Law
Topham and Ivamy	: Company Law
Ghosh, M.K.	: Indian Company Law
Arya	: Company Directors.
Sen, S.C.	: The New Frontier of Company Law
Sahgal, P.S.	: National and Multi-national Companies, Some Legal Issues.
Palmer’s	: Company Law
Pennigton’s	: Company Law
Srivastava, S.C.	: Industrial Relations and Industrial Law.
Srivastava, S.C.	: Industrial Disputes and Labour Management Relations.
Malhotra, O.P	: Commentaries on the Law of Industrial Disputes Act, 1947
Varandian, G.	: Workers’, Participation in Management with Special Reference to India
Yadav, Sunil	: Labour and Industrial Laws, Central law Publications.
Morris, Gillian S. And Archer, Timothy J.	: Collective Labour Law (3000), Oxford.
Nick Humphrey	: Trade ‘Union Law (1997), Blackstone, London.
Bowers John and Hentyball Simon	: Text: Book on Labour Law (1998), Blackstone, London.
Stephen Dery and Mitchell	: Employment Relations: Individualization and Union Exclusion Richard (1999), Blackstone, London.
Roger Blanpain (Eds.)	: Comparative Labour Union Law and Industrial Relations in Chris Engels : Industrialized Market Economies (1999), Kluwer.
Indian Law Institute	: Labour Law and Labour Relations (1987)

{Group C - Criminal Law}
CODE-3221- (C): PAPER-I
Law of Crimes- General Principles

Max. Marks: 80
Time: 3 Hours

Unit –I

-Nature and definition of crime, Distinction between Moral, Civil and Criminal Wrongs. Are Crimes and Torts Complementary? Elements of Crime and Theories of Criminal Liability Human Beings. *Mens rea* , *Actus reus*, Injury to human being, causation of crime , subjective and objective of theories of crimes.

-Mental Element in Crimes – *The Maxim Actus Non Facit Reum Nisi Means Sit Rea*, Volition, Intention, Motive, Origin and Development of *Means rea* , *Means rea and Statutory Crimes, Exceptions to Means rea*, Modern Trends of *Means rea*, Applicability of *Means rea* in Indian Penal Laws, *Means rea* under Indian Penal Code.

Unit – II

-Punishment – Nature, Kinds of Punishment , Theories of Punishment , Measure of Punishment, Modern View on Punishment and Penal Code, Individualization of Punishment , Compensation to the Victims , Executive Clemency, Commutation of Sentence , Suspension and Remission, Pardon.

-Inchoate Crimes- Abetment, Criminal Conspiracy, Attempt.

-Joint Liability, Vicarious Liability, Strict Liability and Liability of Corporations.

Unit –III

-General Defenses – Excusable, Ignorance (Mistake) of Fact, Executive and Judicial Acts, Accident, Necessity, Duress or Coercion, Infancy, Unsoundness of Mind, Intoxication, Consent, Triviality.

-Justifiable – Right of private Defence of persons and property, provocation.

Unit – IV

-Burden of Proof in relation to General Defences and crimes generally.

-Law Relating to Culpable Homicide.

Books Recommended:

1. William , Glanville : ` Criminal Law (General Part)
2. Kennys : Outlines of Criminal Law (edited by J.W.C Turner)
3. Stuwart, S.W : A Modern View of the Criminal Law (Pergamon Press Ltd., Oxford, 1969)
4. Nigam, R.C. : Law of Crimes in India Vol. I (Principles of Criminal Law)
5. Gour, Hari Singh : Penal Law of India.
6. Bhatt, V.R. : Essays in Criminal Law (Karnataka University , Dharwar, 1979)
7. Bhattacharya, B.K. : Insanity & Criminal Law (Eastern Law House,

- Calcutta).
8. Fitzgerlard, P.J. : Criminal Law & Punishment.
 9. Colin, Howard : Strick Responsibility (Sweet & Maxwell Ltd., London,1963)
 10. Law Commission of India, Reports: 29,42,43 and 47
 11. Radzinowicz and Turner : Modern Approach to Criminal Law.
 12. Edwards : Mens Rea in Statutory Offences.
 13. Hall : General Principles of Criminal Law.
 14. Stephen, James F. : History of Criminal Law (Vols. I,II & III).
 15. Chaturvedi, A.N. : Rights of the Accused under the Indian Constitution (1984)

CODE-3222- (C): PAPER-II
Criminology: Penology & Victimology

Max. Marks: 80
Time: 3 Hours

Unit –I

- Definition, Nature and Scope of Criminology.
- Schools of Criminology.
 - (i) Classical School
 - (ii) Cartographic school
 - (iii) Socialistic School
 - (iv) Typological school
 - a. Italian or Positive School
 - b. Mental Testers School
 - c. Psychiatric School
 - (v) Sociological School
 - (vi) Multifactor School
- Sociological Theories of Criminal Behaviours, Differential Social Organization.
- Crime and Social Processes.
- The Home and Family in relation to crime.

Unit – II

- Collective Violence and Criminal Justice System.
 - a. Violence – Nature and Kinds
 - b. Contributory FACTORS
 - c. ‘Constitutional’ and ‘Criminal’ Speech: Speech as Incitement to Violence.
 - d. Terrorism – Location, Growth and Legal Response.
 - e. Communal Violence in India.
 - f. Violence against Depressed Classes.
 - g. Violence against Women.
- Privileged Class Deviance
 - a. Concept of white collar crime.
 - b. Indian approaches to socio – economic offences.
 - c. Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
 - d. Typical terms of deviance i.e., Professional deviance, Police deviance , official deviance.
 - e. Response of Indian Legal order to the Deviance of Privileged Classes.

Unit –III

- Definition, nature and scope of Penology.
- Variation in Punitive Policies.
- Theories of Punishment.

-Capital Punishment.

- (a) Constitutionality of Capital Punishment.
- (b) Judicial Attitudes towards Capital Punishment.
- (c) Law Reform Proposals.
- (d) Retention or Abolition of Capital Punishment.
- Approaches to Sentencing and Alternatives to Sentencing.
- The Sentencing of offenders.
 - (a) Kinds of Sentences.
 - (b) Judicial Discretion in Sentencing Offenders.
 - (c) Pre-sentence Hearing.
 - (d) Habitual Offenders and Enhanced Punishment.
 - (e) Summary Punishment.
 - (f) Plea – Bargaining

Unit – III

- Probation
- Parole
- Release from Prison.
 - (a) Pardon
 - (b) Indeterminate Sentence
 - (c) Good time Laws
- Prison System
 - (a) The State of India's Jails Today.
 - (b) The Disciplinary Regime of Indian Prisons.
 - (c) Classification of Prisoners.
 - (d) Rights of Prisoner and Duties of Custodial Staff.
 - (e) Deviance by Custodial Staff.
 - (f) Open Prisons.
 - (g) Judicial Surveillance –Basis – Development Reforms.
- Recidivism
- Prevention of Crime.

Books Recommended:

1. Sutherland and Cressey : Principles of Criminology.
2. Siddique. A. : Criminology (1984) Eastern, Lucknow.
3. Baxi, Upendra : The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. Baxi, Upendra (ed.) : Law and Poverty Essays (1988)
5. Baxi, Upendra : Liberty and Corruption. The Antulay Case and Beyond (1989)
6. Dwivedi, Surendranath : Political corruption in India (1967) and Bhargava, G.S.

7. Desai, A.R. (ed.) : Violation of Democratic Rights in India (1986).
8. Noorani, A.G. : Minister's Misconduct (1974)
9. Panday, B.B : "The Nature and Dimensions of Privileged Class Deviance" in
10. Shukla , K.S. (ed.) : The Other Side of Development 136(1987).
11. Rothermund, Indira : "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 231, I.L.I. 522(1981)
12. Baxi, U. : "Dissent , Development and Violence" in Meagher R. (ed.) Law and Social Change : Indo – American Reflections 92 (1988)
12. Desai, A.R. (ed.) : Peasant Struggles in India (1979).
13. Dhangare, D.A. : Peasant Movement in India : 1920 -1950(1983)
- 14 .Guha , Ranjit : Elementary Aspect of Peasant Insurgency in Colonial India (1983) Ranjit Guba (ed.), subaltern studies Vol. 1-6 (1983-1988).
- 15 Honderich, T. : Violence for Equality (1980).
- 16 Jucrgensmeyer, Mark : "The Logic of Religious Violence : The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
- 17 Kothari , Rajni : State Against Democracy (1987)
18. Shah, G. : Ethnic Minorities and Nation Building: Indian Experience (1984)
- 19 Shukla, K.S. : "Sociology of Deviant behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979(1986)
- 20 Chhabbra , S. : The Quantum of Punishment in Criminal Law (1970)
- 21 Hart, H.L.A : Punishment and Responsibility (1968)
- 22 Packer, Herbert L. : The Limits of Criminal Sanction (1968).
- 23 Ross, Alf : On Guilt, Responsibility and Punishment (1975)
- 24 Siddique, A. : Criminology (1984), Eastern, Lucknow.
- 25 Sutherland and Cressey : Principles of Criminology.
- 26 Law commission of India : Forty, Second Report Ch. 3 (1971)
- 27 Shukla, K.S. : 'Sociology of Deviant Behaviour' in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986).

CODE-3223- (C): PAPER-III
Law of Evidence

Max. Marks: 80
Time: 3 Hours

Unit-I

Preliminary (sections 1-3), May Presume, Shall Presume Conclusive Proof (Section-4); Relevancy of Facts (Sections 5-16), Admissions (Sections 17-23 & 31); Confessions (Sections 24-30).

Unit-II

Statements by Persons who cannot be called as Witnesses (Sections 32-33); Statements made under Special Circumstances, (Sections 34-39); Judgments of Courts of Justice- When Relevant (Sections 40-44); Opinion of Third Person- When Relevant (Sections 45-51); Character when Relevant (sections 52-55); Facts Need not be Proved (Sections 56-58).

Unit-III

Oral Evidence (Sections 59-60); Documentary Evidence (Sections 61-73); Public Documents (Sections 74-90); Exclusion of Oral Evidence by Documentary Evidence (Sections 91-100); Burden of Proof (Sections 101-111), Presumptions as to Certain Offences (Sections 111-114A) Estoppels (Sections 115-117); Witnesses, Privileged Communications (Sections 118-132); Accomplice (Sections 133); Number of Witnesses (Section 134).

Unit-IV

Examination of Witnesses: Examination in Chief, Cross-Examination, Re-Examination, Leading Questions. Impeaching the Credit of Witness, Refreshing Memory, Judge's power to put Questions or Order Production (Section 135-166); Improper Admission or Rejection of Evidence (Sections 167)

Books Recommended:

1. Field, C.D. : Law of Evidence.
2. Pandey, G.S. : Indian Evidence Act.
3. Rattan Lal & Dhiraj Lal : The Law of Evidence.
4. Lal, Batuk : The Law of Evidence.
5. Sarathi, Vepa P. : Law of Evidence.
6. Singh, Avtar : Principles of Law of Evidence.
7. Wondroff and Ammer Ali : Law of Evidence.
8. Wilkins and Cross : Outlines of the Law of Evidence.
9. Archbold : Pleading, Evidence & Practice in Criminal Cases.
10. Sarkar : Law of Evidence.
11. 14th & 41 Reports of the Indian Law Commission

SYLLABUS
LL.M. 4TH SEMESTER
SESSION 2016-17

CODE-4221: PAPER-I
Research Methodology

Max. Marks: 80
Time: 3 Hours

Unit-I

- Meaning; Objectives and Scope of Legal Research.
- Socio-legal Research in India
- Kinds of Legal Research, Doctrinal and non-doctrinal legal research
- Legal Research and law Reform
- Legal Reasoning: Use of Deductive and inductive method.

Unit-II

- Legal knowledge- Meaning of Law, Sources of Law and where to find law.
- Major steps involved in doing legal research
- Identification & Formulation of Research Problem.
- Survey of available literature and bibliography.
- Legislative materials including subordinate legislation, notification and policy statement.
- Decisional material
- Juristic Writings, compilation of list of reports or special studies.
- Hypothesis: Meaning, Importance, Characteristics, Types, sources and its Formulation

Unit-III

- Legal Research Design-Meaning of Research Design, Aspects to be considered in Research design, Contents, Steps, Characteristics, Need Significance of good research Design Types of Research Design.
- Sampling Design for Legal Research- Census and sampling methods, Merits and Demerits of Sampling, Characteristics of a good sampling unit, procedure to select a sample, size of a sample and types of sampling, sampling error and standard error.
- Data to collection and its Methods.
 - Use of observation studies, questionnaires and schedules.
 - Interview techniques
 - Surveying method
 - Case study method
 - Scaling techniques
 - Project Technique
- Analysis and Interpretation of legal Research DATA

Unit-IV

- Generalization in Legal Research
- Sociometry in Socio-Legal Research
- Preparing Legal Research Report
- Report Writing
- Computer Application and Legal Research

Books Recommended:

- Price, M.O. Bitner, H. and Young, Pauline V. : Effective Legal Research (1978) Bysiewiez
Grade, William J. and Paul, K. Hatt : Scientific Social Survey and Research (1962)
Hyman, H.M. : Methods in social Research, McGraw-Hill Book Company, London
Erwin, C. Surrency, B. Fieif : Interviewing in Social Research (1965)
Morris, L. Cohan : A Guide to Legal Research (1959) and J. Cera
Havard Law Review : Legal Research in Nuishelc (1996) West Publishing House Co.
ILI Publication : Uniform System of Citations, Association,
Baxi, Upendra : Legal Research and Methodology
Baxi, Upendra : Social Legal Research in India.

CODE-4222: PAPER-II
Principles of Statutory Interpretation

Max. Marks: 80
Time: 3 Hours

Unit-I

-Basic Principles of Interpretation:

Meaning of Interpretation, Interpretation and Construction, Intention of Legislature, Statute must be read as a whole in its context, Presumption in favour of constitutionality of a statute. If meaning plain, effect must be given to it irrespective of consequences.

-Rule of Literal Construction.

-Golden Rule of Construction.

-Mischief Rule of Construction.

Unit-II

-Internal Aids to Construction:

Short Title, long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretations Clause, Proviso, Explanation, Schedules.

-Maxims

(i) Ejusdem Generis (ii) Expressio Unius Est Exclusio Alterius

(iii) Noscitur A Sociis

-Interpretation of Constitution.

Unit-III

-External Aids to Construction;

Parliamentary History, Historical Facts and Surrounding Circumstances, Dictionaries, Text-books, Use of Foreign Decisions, Statutes in Pari-materia.

-Codifying and Consolidation Statutes.

-Mandatory and Directory Provisions.

-Commencement and Repeal of Statutes.

Unit-IV

-Beneficial and Liberal Construction.

-Construction of Remedial and Penal Statutes.

-Construction of Taxing Statutes.

-Presumption as to Jurisdiction of the Courts.

-Construction to Prevent, Evasion and Abuse.

Books Recommended:

Maxwell : Interpretation of Statutes.

Craies : Statute Law.

Sutherland : Statutory Construction.

Singh, G.P. : Principles of Statutory Interpretation.

Swarup, Jagdish : Legislation and Interpretation.

Sarathi, V.P. : Interpretation of Statutes.

Bindra : Interpretation of Statutes.

CODE-4223: PAPER-III

Dissertation

{Dissertation & Viva-Voce of Maximum 200 (160+40=200) Marks}
